

VZCZCXRO0563
OO RUEHCHI RUEHDT RUEHHM RUEHNH
DE RUEHPF #0133/01 0540014
ZNR UUUUU ZZH
O 230014Z FEB 10
FM AMEMBASSY PHNOM PENH
TO RUEHC/SECSTATE WASHDC IMMEDIATE 1703
INFO RUCNASE/ASEAN MEMBER COLLECTIVE PRIORITY

UNCLAS SECTION 01 OF 02 PHNOM PENH 000133

SENSITIVE
SIPDIS

STATE FOR EAP/MLS, EAP/RSP, G/TIP, DRL

E.O. 12958: N/A

TAGS: [PGOV](#) [PHUM](#) [PREL](#) [KTIP](#) [KJUS](#) [SOCI](#) [CB](#)

SUBJECT: THREE CAMBODIANS CONVICTED FOR LABOR TRAFFICKING;
PRIMARY OFFENDER GETS 20 YEARS

SENSITIVE BUT UNCLASSIFIED

¶1. (SBU) SUMMARY: The Phnom Penh Municipal Court has convicted three Cambodians on human trafficking and assault charges stemming from the purchase and forced labor of an 11-year old girl in their custody. The primary offender in was sentenced to 20 years in prison for receiving and systematically abusing the child while forcing her to labor as a domestic servant. The case had an extremely high profile, as one of the first prosecutions for labor trafficking in Cambodia, and due to the degree of abuse documented and the age of the child. The verdict showcases the improving capacity of the court to evaluate the circumstances of a complex case and use the 2008 TIP Law to obtain significant punishment. Moreover, the widespread publicity coupled with the sophisticated protection mechanisms employed in this case could serve equally as a deterrent to employers and as a training case for police and other interventionists throughout the country. END SUMMARY.

"A Very Cruel Case"

¶2. (SBU) On February 19, Phnom Penh Judge Chan Madina convicted three Cambodian perpetrators for trafficking and physically abusing an 11-year-old girl. The judge sentenced Meas Nary, a high-school teacher considered to be the primary offender, to 20 years in prison for receiving and forcing the girl to labor as a domestic servant. The girl testified in a January hearing that Meas whipped her with wire hangers, pinched her with pliers, and applied numerous other punishments over the course of a year inside the home. Before issuing her verdict, the judge said "the acts of Meas Nary were inhuman and very cruel" and that investigators documented "over 15 points of torture" on the head and body of the child.

¶3. (SBU) Meas denied the charges upon her arrest in October 2009, but could not disclaim away the scars on the child's body. She eventually admitted to beating the girl, but told the court in January, "I beat her because I wanted to educate her on how to be a good daughter...I love her as my own daughter."

¶4. (SBU) Meas' husband, Va Savoeun, received a 10-year prison sentence for his role in the case. The girl testified in the January hearing that Va had never beaten her directly, but knew it was happening and did nothing to stop it. A third defendant, Thoeung Reth, received 5 years in prison for selling the child to the Phnom Penh couple in 2008 for \$400 USD. The judge also collectively ordered the three defendants to pay the girl 20 million riel (approximately \$4,800 USD) in compensation.

" Secret Torture "

¶5. (SBU) Anti-Human Trafficking and Juvenile Protection Police raided the home of Meas Nary and Va Savoeun in October 2009, acting on a tip from neighbors that they had seen an unfamiliar and visibly mistreated child outside and around the couple's home. Police subsequently arrested Thoeung Reth after the couple disclosed purchasing the child from her. Thoeung Reth told police the child's mother gave the child to Thoeung to raise, promising to pay \$15 USD per month to help with expenses. But the mother thereafter disappeared. Thoeung reportedly raised the girl from approximately age 2 until age 10, when she claimed she "gave" the girl to Meas and Va. Thoeung told the court she expected the girl would receive an education because Meas was a high-school teacher and Va was a retired official from the Ministry of Education.

¶6. (SBU) Instead of attending school, Meas Nary forced the child to labor around the home, requiring her to scrub floors, care for the garden, cut grass, clean the kitchen, and more. The girl testified that Meas often beat her because the cleaning jobs had not been adequately completed. As punishment "my godmother beat me using pliers, clothes hangers, a broom, and whips, every time she got angry. Sometimes she tied me upside down to a ladder and beat me," then forced her to bathe in bleach following beatings. Police said the child's body revealed "constant violence" and was covered "from her head down in frightening scars and wounds from her mistreatment."

¶7. (SBU) The International Labor Organization commented that the case was a rare example of authorities rescuing a

PHNOM PENH 00000133 002 OF 002

domestic servant from an abusive situation at the hands of an employer. An ILO program officer noted that in most cases, it is hard for authorities to discover this "secret torture" because the victims do not leave the houses.

"Everyone is Watching"

¶8. (SBU) The case received high-profile attention from the moment the three were arrested in October 2009. Donors and NGOs tracked the progress of the case through the courts, and the media followed the case closely. Human rights and counter-trafficking organizations alike praised the court's ruling, saying the case put an spotlight on the issue of internal trafficking within Cambodia. A monitor with the Cambodian Human Rights and Development Association said "this was a severe case that everyone is watching" and that the sentences "fit the Cambodian government's attention to combat human trafficking."

¶9. (SBU) Authorities initially pursued TIP charges only against Thoeung Reth for selling the child and planned to charge the couple with physical abuse. But the public hearing on January 26 revealed the change in the court's attitude, when charges under Article 15 of the 2008 TIP Law became public knowledge. The court's focus also had clearly shifted to the purchase and treatment of the child while in custody of the Phnom Penh couple, particularly the actions of Meas Nary. Thus, while the media has widely reported that the couple was convicted of "torturing" the child, in fact they have been convicted of human trafficking, a charge supported by the circumstances of forced servitude in the case.

Closing the Door

¶10. (SBU) The NGO HAGAR International has cared for the child since her rescue, and reported that authorities quickly turned the girl over to them for medical treatment and

recovery services. HAGAR's psycho-social services manager, who accompanied the child to court, said she found the three judges to be sensitive to the child, and that HAGAR staff were allowed to comfort and support the child during her testimony. The child, who has been attending school and living first at a HAGAR facility, then with a volunteer family with HAGAR support, can now "start the process of rehabilitation," according to a HAGAR official. "The judge believed her, which was very important for her."

¶11. (SBU) COMMENT: This case is one of the first rescues of a domestic servant from a home in Cambodia, and one of the first prosecutions for severe labor trafficking. The court showed an improving capacity to evaluate the circumstances of a complex case and use the 2008 TIP Law to obtain significant punishment of Cambodian offenders. The child has also been well-protected throughout the process; her identity has not been disclosed by either authorities or organizations involved in the case, and the media has protected her somewhat from over-exposure, generally showing pictures only of the back of her head. The case, which garnered wide attention at many levels of society, could serve as a deterrent to other employers, and as a training case for police and other interventionists. END COMMENT.
RODLEY